

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Newport News Division



BONNIE ANNE McCaffrey,

Plaintiff,

v.

CIVIL ACTION NO. 4:18cv154

VIRGINIA PENINSULA REGIONAL JAIL  
AUTHORITY,

and

HENRY THOMAS RHIM, JR.,

Defendants.

ORDER

This matter comes before the court on the Defendant, Virginia Peninsula Regional Jail Authority's ("VPRJA"), Partial Motion to Dismiss the Amended Complaint for Failure to State a Claim, ECF No. 33, and corresponding Memorandum in Support, ECF No. 34, and Request for Hearing, ECF No. 35; and Plaintiff, Bonnie Anne McCaffrey's Memorandum in Opposition, ECF No. 38.

On August 7, 2019, the matter was referred to United States Magistrate Judge Robert J. Krask pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), to conduct necessary hearings, including evidentiary hearings, if necessary, and to submit to the undersigned district judge proposed findings of fact, if applicable, and


recommendations for the disposition of the Motion to Dismiss.  
Referral Order, ECF No. 39.

By copy of the Magistrate Judge's Report and Recommendation ("R&R"), filed on October 4, 2019, the parties were advised of their right to file written objections to the findings and recommendations made by the Magistrate Judge within fourteen (14) days from the date of the mailing of the R&R to the objecting party. R&R at 23, ECF No. 41. No objections were filed.

The court **ADOPTS AND APPROVES IN FULL** the findings and recommendations set forth in the Magistrate Judge's thorough and well-reasoned R&R, ECF No. 41, filed on October 4, 2019. Accordingly, the Defendant, VPRJA's Partial Motion to Dismiss, ECF No. 33, is **DENIED**, and that VPRJA's Request to Dismiss Ms. McCaffrey's Complaint with prejudice be **DENIED AS MOOT**.

The Clerk is **DIRECTED** to send a copy of this Order to counsel for all parties.

**IT IS SO ORDERED.**

/s/   
**Rebecca Beach Smith**  
**Senior United States District Judge**

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REBECCA BEACH SMITH  
SENIOR UNITED STATES DISTRICT JUDGE

October 23, 2019